

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MELISSA KELLEY,

Defendant.

CASE NO. **1:24CR-034**

JUDGE *Hopkins*

INDICTMENT

18 U. S. C. § 2

18 U. S. C. § 1028A

18 U. S. C. § 1343

26 U. S. C. § 7206(2)

FORFEITURE ALLEGATION

THE GRAND JURY CHARGES:

INTRODUCTION

1. At all times relevant to this Indictment, the defendant, **MELISSA KELLEY**, a resident of Cincinnati, Ohio, served as a “ghost preparer,” that is, she performed tax return preparation services for compensation, but failed to sign or otherwise declare the tax returns she prepared for other individuals.

The Scheme to Defraud

2. From at least 2014 and continuing through at least February 2024, in the Southern District of Ohio and elsewhere, the defendant, **MELISSA KELLEY**, did knowingly and willfully devise and intend to devise a scheme and artifice to defraud the Internal Revenue Service (IRS) and her taxpayer clients and to obtain money and property intended for the IRS and her taxpayer clients by means of materially false and fraudulent pretenses and representations, as set forth below.

**Manner and Means of the Scheme to Defraud**

3. It was part of the scheme and artifice to defraud that the defendant, **MELISSA KELLEY**, falsely held herself out to some of her taxpayer clients as a tax professional who could prepare income tax returns for other individuals for pay or as a favor to friends. In actuality, **KELLEY** is not a Certified Public Accountant and has not been issued a Preparer Tax Identification Number. Instead, **KELLEY** filed individual tax returns using the taxpayer's electronic filing Personal Identification Number, fraudulently giving the appearance that the taxpayer had self-prepared and filed the return and concealing the fact she had prepared the return.

4. It was further part of the scheme and artifice to defraud that the defendant, **MELISSA KELLEY**, knowingly prepared and filed federal income tax returns on behalf of other individuals which were false and fraudulent as to material matters. For example, **KELLEY** prepared federal income tax returns for other individuals containing false household help wages to fraudulently increase the amount of the tax refund and did not inform the taxpayers of the false income being claimed.

5. It was further part of the scheme and artifice to defraud that the defendant, **MELISSA KELLEY**, would take personally identifiable information of minor children to include the names and social security numbers provided by certain of her taxpayer clients to fraudulently claim them as dependents on her own personal federal income tax returns or on the returns of other taxpayer clients without the knowledge or consent of those parent taxpayer clients in order to fraudulently increase the amount of the tax refunds issued. As a result, the parent taxpayer clients did not receive COVID-19 economic impact relief payments for those minor children. It was further part of the scheme and artifice to defraud that **KELLEY** kept the COVID-19 economic impact relief payments she received for the minor children she fraudulently claimed on her personal tax returns.

6. As part of the scheme and artifice to defraud, the defendant, **MELISSA KELLEY**, caused the submission of false income tax returns to the IRS by preparing and electronically filing income tax returns from computers and IP addresses based in the Southern District of Ohio using online tax preparation software from a company based in San Diego, California. All transmissions of the electronically filed federal income tax returns were then directed to the IRS's front-end processing system residing at the Enterprise Computing Centers located at Martinsburg, West Virginia and Memphis, Tennessee.

7. It was further part of the scheme and artifice to defraud that in some cases the defendant, **MELISSA KELLEY**, allocated significant portions of taxpayer refunds to herself, often unbeknownst to her taxpayer clients by directing that the fraudulently inflated tax refunds be direct deposited to bank accounts owned by or under the control of defendant **MELISSA KELLEY**.

8. In at least one case, the defendant, **MELISSA KELLEY**, filed a tax return fraudulently claiming household help income on behalf of a taxpayer who had died the prior year and thus could not have earned the claimed income.

9. As a result of the scheme and artifice to defraud, the IRS issued over \$1.7 million in fraudulent federal income tax refunds.

**COUNTS ONE TO THREE**  
**(Wire Fraud)**

10. Paragraphs 1 through 9 of the Indictment are incorporated here.

11. On or about the dates set forth below, in the Southern District of Ohio and elsewhere, the defendant, **MELISSA KELLEY**, for the purpose of executing and attempting to execute the scheme to defraud described above, knowingly transmitted and caused to be transmitted

in interstate commerce by means of wire communications, certain signals, signs, and sounds, described below for each count, each transmission constituting a separate count:

Count	Date of Wire Transmission	Description of Wire Transmission
1	4/10/2019	Form 1040 of the defendant, <b>MELISSA KELLEY</b> , for Tax Year 2018 sent from Cincinnati, Ohio on to Martinsburg, West Virginia or Memphis, Tennessee by way of electronic filing.
2	1/16/2020	Form 1040 for R.K. for Tax Year 2019 sent from Cincinnati, Ohio on to Martinsburg, West Virginia or Memphis, Tennessee by way of electronic filing.
3	2/22/2020	Form 1040 for A.C. for Tax Year 2019 sent from Cincinnati, Ohio on to Martinsburg, West Virginia or Memphis, Tennessee by way of electronic filing.

All in violation of 18 U.S.C. §§ 1343 and 2.

**COUNTS FOUR TO THIRTEEN**  
**(Aiding or Assisting in the Preparation of a False Return)**

12. Paragraphs 1 through 9 are hereby incorporated by reference as if fully set out herein.

13. On or about the dates set forth below, in the Southern District of Ohio, the defendant, **MELISSA KELLEY**, a resident of Cincinnati, Ohio, did willfully aid and assist in, and procure, counsel, and advise the preparation and presentation to the IRS, of U.S. Individual Income Tax Returns Forms 1040, along with the accompanying schedules, for the taxpayers and years specified below, which were false and fraudulent as to material matters, in that they represented that these taxpayers had earned income hereinafter specified and were entitled under the provisions of the Internal Revenue laws to claim certain income and dependents as specified below, whereas the defendant then and there well knew and believed that these taxpayers were not entitled to claim the income and dependents in the amounts and manner claimed on the returns:



Count	Filing Date	Tax Year	Taxpayer(s)	False Item(s)
4	2/4/2018	2017	D.B.	Wages Child Tax Credit Earned Income Tax Credit
5	2/2/2019	2018	D.B.	Wages Child Tax Credit Earned Income Tax Credit
6	2/6/2020	2019	D.B.	Wages Child Tax Credit Earned Income Tax Credit
7	1/30/2019	2018	K.C	Dependents Child Tax Credit Earned Income Tax Credit
8	1/28/2020	2019	K.C.	Dependents Child Tax Credit Earned Income Tax Credit
9	1/23/2021	2020	K.C.	Dependents Child Tax Credit Earned Income Tax Credit
10	2/5/2022	2021	K.C.	Dependents Child Tax Credit Earned Income Tax Credit
11	2/2/2018	2017	T.H.	Wages
12	2/2/2019	2018	T.H.	Wages
13	1/20/2020	2019	T.H.	Wages

All in violation of 26 U.S.C. § 7206(2).

**COUNTS FOURTEEN TO SIXTEEN**  
**(Aggravated Identity Theft)**

14. On or about the dates set forth below, in the Southern District of Ohio and elsewhere, the defendant, **MELISSA KELLEY**, did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, to wit, the name and social security number of the individuals whose initials are set forth below, during and in relation to a felony

violation enumerated in 18 U.S.C. § 1028A(c), to wit: Wire Fraud, in violation of 18 U.S.C. § 1343, knowing that the means of identification belonged to another actual person:

Count	Date	Wire Transmission	Actual Person	Description
14	4/10/2019	Form 1040 of the defendant, <b>MELISSA KELLEY</b> , for Tax Year 2018 sent from Cincinnati, Ohio on to Martinsburg, West Virginia or Memphis, Tennessee by way of electronic filing, as charged in Count 1.	J.C. S.E. A.M.	The Form 1040 falsely claimed J.C., S.E., and A.M. as dependents, identifying J.C., S.E., and A.M by name and social security number.
15	1/16/2020	Form 1040 for R.K. for Tax Year 2019 sent from Cincinnati, Ohio on to Martinsburg, West Virginia or Memphis, Tennessee by way of electronic filing by way of electronic filing, as charged in Count 2.	R.K.	The Form 1040 was filed in the name of R.K., an individual who was deceased, using her name and social security number.
16	2/22/2020	Form 1040 for A.C. for Tax Year 2019 sent from Cincinnati, Ohio on to Martinsburg, West Virginia or Memphis, Tennessee by way of electronic filing., as charged in Count 3.	N.H.	The Form 1040 falsely claimed N.H. as a dependent, identifying N.H. by name and social security number.

All in violation of 18 U.S.C. §§ 1028A(a)(1) and 2.

#### **FORFEITURE ALLEGATION**

Upon conviction of any of the offenses set forth in Counts 1 to 3 and Counts 14 through 16 of this Indictment, the defendant, **MELISSA KELLEY**, shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(2)(A), any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of such violation, including but not limited to, a sum of money equal to the amount of proceeds the defendant obtained as a result of the offense.

**SUBSTITUTE ASSETS**

If any of the property described above, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b)(1), to seek forfeiture of any other property of the defendant, up to the value of the property described above.

**A TRUE BILL.**

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**FOREPERSON**

**KENNETH L. PARKER  
UNITED STATES ATTORNEY**

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**EBUNOLUWA A. TAIWO  
ASSISTANT UNITED STATES ATTORNEY**